

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-13 are pending and stand rejected.

In reviewing the Examiner's Answer to the Appeal Brief filed in this matter, it was noted that the Examiner provided further clarification for maintaining the rejection of the claims.

In response, Applicant filed a Reply Brief and further contacted the Examiner by telephone to obtain confirmation of the Applicant's understanding of the reason for rejecting the claims. In the telephone conversation, the Examiner provided further explanation of the rejection of the claims. The Applicant suggested, that in view of the understanding of the rejection of the claims, a proposed further amendment to the claims be provided for continued discussion.

A set of proposed amendments to clarify the subject matter claimed was provided to the Examiner for discussion. On March 1, 2011, a telephone call with the Examiner was held to discuss the proposed amendments.

During this telephone call, the Examiner indicated that the proposed amendments appear to overcome the rejection of the claims based on the Aoki reference. However, no agreement was reached regarding allowance of the claims as the Examiner indicated that a new search would be required.

Applicant respectfully submits this Request for Continued Examination, including the proposed amendments to the claims, in order to advance the prosecution of this matter.

Applicant respectfully requests that the amendments to the claims be entered into the record.

Applicant denies any statement, position or averment stated in the Office Action that is not specifically addressed by the foregoing. Any rejection and/or points of argument not addressed are moot in view of the presented arguments and no arguments are waived and none of the statements and/or assertions made in the Office Action is conceded.

Applicant makes no statement regarding the patentability of the subject matter recited in the claims prior to this Amendment and has amended the claims solely to facilitate expeditious prosecution of this patent application. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by the originally filed claims, as presented prior to this Amendment, and any additional claims in one or more continuing applications during the pendency of the instant application.

In order to advance the prosecution of the matter, applicant respectfully requests that any errors in form that do not alter the substantive nature of the arguments presented herein be transmitted telephonically to the applicant's representative so that such errors may be quickly resolved or pursuant to MPEP 714.03 be entered into the record to avoid delay of the prosecution of this matter.

However, if the Examiner believes that such minor errors in form cannot be entered into the record or that the disposition of any issues arising from this response may be best resolved by a telephone call, then the Examiner is invited to contact applicant's representative at the telephone number listed below to resolve such minor errors or issues.

No fees are believed necessary for the timely filing of this paper.

Respectfully submitted,
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Date: March 1, 2011

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